



PATENT

Our Docket: 066661-021 (P-IS 4403)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:
Hood and Siegel

Serial No.: 09/724,898

Filed: November 28, 2000

For: MULTIPARAMETER ANALYSIS
FOR PREDICTIVE MEDICINE

) Group Art Unit: 1631
) Examiner: M. Zeman
)
) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
) "EXPRESS MAIL" MAILING LABEL NUMBER: EV 347539578 US
) DATE OF DEPOSIT: April 17, 2003
) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
) DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
) "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER
) 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS
) ADDRESSED TO: COMMISSIONER FOR PATENTS WASHINGTON, D.C.
) 20231.

Commissioner for Patents
Washington, D.C. 20231

Carrie Hines
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Carrie Hines
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

Claims 1-143 are pending and have been restricted under
35 U.S.C. § 121 into the following groups:

Group I: Claims 1-16, 138, 139 and 141, drawn to a
method of a determining a comparative expression profile wherein
multidimensional coordinate points, representative of expression
levels of molecules, are compared, and a computer system and
computer-readable medium therefore;

Group II: Claims 17-32, 58-64 and 140, drawn to a
second method of determining comparative expression profiles
wherein expression levels of a sample of molecules are directly
compared, and a computer-readable media therefore;

Group III: Claims 33-57 and 135-137, drawn to a third
method of determining a comparative expression profile, wherein

RECEIVED
APR 22 2003
TECH CENTER 1600/2900

#9
Plunkett
4/24/03

Inventors: Hood and Siegel
Serial No.: 09/724,898
Filed: November 28, 2000
Page 2

levels of "a molecule" are compared, and computer systems therefore;

Group IV: Claims 65-134, drawn to methods of diagnosing a health state or disease using comparative expression profiles; and

Group V: Claims 142-143, drawn to carrier waves.

The Examiner requests that one of the groups of claims be elected for examination. Although the restriction requirement is traversed for the reasons set forth below, Applicants elect the claims of Group IV, claims 65-134, for examination.

The Restriction Requirement is traversed with respect to the division of the claims of Group IV from the claims of Group I. While the claims of Groups I and IV are patentably distinct, it is submitted that a thorough search of the claims of either group will likely reveal art relevant to the examination of the claims of the other group. Thus, a search of the claims of Group IV will, of necessity, reveal information relevant to the examination of the claims of Group I and, therefore, division of the claims into these groups would result in duplicative searches. Accordingly, examination of the claims of Group IV with the claims of Group I together should not be an undue burden on the Examiner.


Applicants elect the claims of Group IV, claims 65-134, for examination. Furthermore, Applicants respectfully request

Inventors: Hood and Siegel
Serial No.: 09/724,898
Filed: November 28, 2000
Page 3

that the Restriction Requirement be reconsidered and that the claims of Group IV be examined with the claims of Group I. The Examiner is invited to call Cathryn Campbell or the undersigned agent if there are any questions.

Respectfully submitted,

April 17, 2003
Date


Deborah L. Cadena
Registration No. 44,048
Telephone No.: (858) 535-9001
Facsimile No.: (858) 535-8949

McDermott, Will & Emery
4370 La Jolla Village Drive
Suite 700
San Diego, California 92122